

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-40-04

WHEREAS, A WALK IN GALLOWAY PARK, INC. applied to Community Zoning

Appeals Board 12 for the following:

EU-1 to EU-M

SUBJECT PROPERTY: The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ less the west 266' and less the north 160' in Section 9, Township 55 South, Range 40 East, and less the south 35' and the east 35' for road purposes.

LOCATION: The Northwest corner of S.W. 112 Street & S.W. 87 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that the requested district boundary change to EU-M would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied and said application was denied by Resolution No. CZAB12-22-04, and

WHEREAS, A WALK IN GALLOWAY PARK, INC. appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

EU-1 to EU-M

SUBJECT PROPERTY: The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, less the west 266' and less the north 160' in Section 9, Township 55 South, Range 40 East and less the south 35' and the east 35' for road purposes.

LOCATION: The Northwest corner of S.W. 112 Street & S.W. 87 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Bellon Milanes, Architects Planners entitled, A Walk in Galloway Park, A Residential Subdivision, Miami-Dade County, Florida, dated 10-05-04, signed and sealed 10-05-04, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
2. That in the event the Property is zoned EU-S (Estates Subdivision, 1 Family 25,00 Sq. Ft. Gross) use of Severable Use Rights (SURs) shall be prohibited.
3. That not more than six (6) single-family EU-S homes shall be built upon the property.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board the grounds and reasons made by Community Zoning Appeals Board 12 in Resolution No. CZAB12-22-04 and the appeal should be granted and the decision of Community Zoning Appeals Board 12 should be overruled, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that a requested district boundary change to EU-S in lieu of the requested EU-M would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of

Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to grant the appeal and overrule the decision of Community Zoning Appeals Board 12, accept the proffered Declaration of Restrictions, and approve the requested district boundary change to EU-S in lieu of the requested EU-M to EU was offered by Commissioner Katy Sorenson, seconded by Commissioner Joe A. Martinez, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	absent
Jose "Pepe" Diaz	aye	Dorin D. Rolle	aye
Carlos A. Gimenez	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Barbara J. Jordan	aye	Rebeca Sosa	aye
Joe A. Martinez	aye	Sen. Javier D. Souto	aye

Chairperson Dr. Barbara M. Carey-Shuler	absent
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NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby granted and the decision of Community Zoning Appeals Board 12 is overruled.

BE IT FURTHER RESOLVED that a district boundary change to EU-S in lieu of the requested EU-M be and the same is hereby approved.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

BE IT FURTHER RESOLVED that Resolution No. 12 is hereby null and void.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this day of
, 2004, and shall become effective ten (10) days after the date of its adoption unless
vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this
Board.

No. 04-5CZ12-2
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

KAY SULLIVAN
By

Deputy Clerk

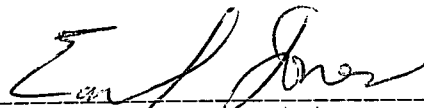
**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY
COMMISSIONERS ON THE 10TH DAY OF DECEMBER, 2004.**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-40-04 adopted by said Board of County Commissioners at its meeting held on the 18th day of November, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 10th day of December, 2004.

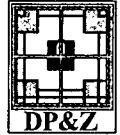


Earl J. Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL



MIAMI-DADE COUNTY, FLORIDA



DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

□ 111 NW 1 STREET, SUITE 1210
MIAMI, FLORIDA 33128
(305) 375-2800

December 22, 2004

A Walk In Galloway Park, Inc.
c/o Simon Ferro
Greenberg Traurig, P.A.
1221 Brickell Avenue
Miami, Florida 33131

Re: Hearing No. 04-5CZ12-2
Location: The Northwest corner of S.W. 112
Street & S.W. 87 Avenue,
Miami-Dade County, Florida

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street
MIAMI, FLORIDA 33175

- IMPACT FEE SECTION
(786) 315-2670 • SUITE 145
- ZONING INSPECTION SECTION
(786) 315-2660 • SUITE 223
- ZONING PERMIT SECTION
(786) 315-2666 • SUITE 106
- ZONING PLANS PROCESSING SECTION
(786) 315-2650 • SUITE 113

Dear Applicant:

Enclosed herewith is a corrected copy of Resolution No. Z-39-04, which was adopted by the Board of County Commissioners on November 18, 2004. Due to a scrivener's error on page 3 of the resolution regarding the placement order of the commissioners' names.

Please discard the original and replace with the attached, as the resolution has been revised to reflect the above-mentioned correction.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Earl Jones'.

Earl Jones
Deputy Clerk

Enclosure